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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Report of the Third Committee (Part II)*

Rapporteur: Mr. Vitavas SRIVIHOK (Thailand)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-seventh session the item entitled:

"Human rights questions:

"(a) Implementation of human rights instruments"

and to allocate it to the Third Committee.

2. The Committee considered the item at its 40th, 42nd to 45th, 48th, 49th and 52nd meetings, on 16 to 20, 24 and 25 November and 1 December 1992. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/47/SR.40, 42-45, 48, 49 and 52).

3. For its consideration of the item, the Committee had before it the following documentation:

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* The report of the Committee on item 97 will be issued in three parts (see also A/47/678 and Corr.1 and Add.2).

(a) Report of the Human Rights Committee (A/47/40); 1/

(b) Report of the Committee on the Rights of the Child (A/47/41); 2/

(c) Report of the Committee against Torture (A/47/44); 3/

(d) Report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide (A/47/427);

(e) Report of the Secretary-General on the status of the Convention on the Rights of the Child (A/47/428);

(f) Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (A/47/429);

(g) Report of the Secretary-General on the implications of full funding for the operation of all human rights treaty bodies (A/47/518);

(h) Report of the Secretary-General on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/47/628);

(i) Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/47/662);

(j) Note by the Secretary-General on the question of enforced or involuntary disappearances and the declaration on the protection of all persons from enforced disappearance (A/47/434);

(k) Note by the Secretary-General transmitting the report of the Committee on Economic, Social and Cultural Rights (A/47/632);

(l) Note by the Secretary-General on the report of the Committee on the Rights of the Child (A/47/667).

4. The Committee also had before it the following documents under item 97:

(a) Letter dated 27 December 1991 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General (A/47/60-S/23329);

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40 (A/47/40).

2/ Ibid., Supplement No. 41 (A/47/41).

3/ Ibid., Supplement No. 44 (A/47/44).

(b) Letter dated 23 December 1991 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/47/67);

(c) Letter dated 30 January 1992 from the Permanent Representative of Sri Lanka to the United Nations addressed to the Secretary-General (A/47/82-S/23512);

(d) Note verbale dated 5 February 1992 from the Permanent Mission of Panama to the United Nations addressed to the Secretary-General (A/47/84-S/23520);

(e) Letter dated 6 February 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Senegal to the United Nations addressed to the Secretary-General (A/47/88-S/23563);

(f) Letter dated 11 February 1992 from the Permanent Representative of Czechoslovakia to the United Nations addressed to the Secretary-General (A/47/89-S/23576);

(g) Letter dated 11 February 1992 from the Permanent Representative of Liberia to the United Nations addressed to the Secretary-General (A/47/91-S/23585);

(h) Letter dated 13 March 1992 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/47/122-S/23716);

(i) Letter dated 19 March 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/126);

(j) Letter dated 20 April 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/175);

(k) Letter dated 27 April 1992 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General (A/47/180);

(l) Letter dated 22 May 1992 from the representatives of Indonesia and Yugoslavia to the United Nations addressed to the Secretary-General (A/47/225-S/23998);

(m) Letter dated 3 June 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General (A/47/256-S/24061);

(n) Letter dated 11 June 1992 from the Permanent Representatives of Poland and Ukraine to the United Nations addressed to the Secretary-General (A/47/267);

(o) Letter dated 11 June 1992 from the Permanent Representatives of the Russian Federation and Poland to the United Nations addressed to the Secretary-General (A/47/268);

(p) Letter dated 17 June 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/280);

(q) Letter dated 26 June 1992 from the representatives of the Russian Federation and Ukraine to the United Nations addressed to the Secretary-General (A/47/290-S/24204);

(r) Letter dated 29 June 1992 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General (A/47/296);

(s) Letter dated 16 July 1992 from the Permanent Representative of Czechoslovakia to the United Nations addressed to the Secretary-General (A/47/335-S/24306);

(t) Note verbale dated 22 July 1992 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General (A/47/343);

(u) Letter dated 28 July 1992 from the Permanent Representative of Singapore to the United Nations addressed to the Secretary-General (A/47/351-S/24357);

(v) Letter dated 30 July 1992 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General (A/47/356-S/24367);

(w) Letter dated 29 July 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Finland to the United Nations addressed to the Secretary-General (A/47/361-S/24370);

(x) Note verbale dated 6 August 1992 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General (A/47/366);

(y) Letter dated 17 August 1992 from the Permanent Representative of Czechoslovakia to the United Nations addressed to the Secretary-General (A/47/392-S/24461);

(z) Letter dated 23 September 1992 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General (A/47/465);

(aa) Letter dated 28 September 1992 from the Permanent Representative of Latvia to the United Nations addressed to the Secretary-General (A/47/476);

(bb) Letter dated 9 September 1992 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General (A/47/527-S/24660);

(cc) Letter dated 20 October 1992 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General (A/47/569);

(dd) Letter dated 16 November 1992 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General (A/47/671-S/24814);

(ee) Letter dated 19 November 1992 from the Permanent Representative of Cameroon to the United Nations addressed to the Secretary-General (A/47/706);

(ff) Letter dated 23 November 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/709-S/24837);

(gg) Letter dated 29 October 1992 from the Chairman of the Third Committee to the President of the General Assembly (A/C.3/47/5);

(hh) Letter dated 16 November 1992 from the Permanent Representative of Tunisia to the United Nations addressed to the Secretary-General (A/C.3/47/7).

5. At the 40th meeting, on 16 November, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights made a statement (see A/C.3/47/SR.40).

6. At the 42nd meeting, on 17 November, the recipient of the 1992 Nobel Prize for Peace, Mrs. Rigoberta Menchu, made a statement (see A/C.3/47/SR.42).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/47/L.39

7. At the 48th meeting, on 24 November, the representative of Belarus, on behalf of Belarus and Poland, introduced a draft resolution (A/C.3/47/L.39) entitled "Status of the Convention on the Prevention and Punishment of the Crime of Genocide". Subsequently, Croatia joined in sponsoring the draft resolution.

8. At its 49th meeting, on 25 November, the Committee adopted draft resolution A/C.3/47/L.39 without a vote (see para. 23, draft resolution I).

B. Draft resolution A/C.3/47/L.40

9. At the 48th meeting, on 24 November, the representative of Denmark, on behalf of Argentina, Australia, Austria, Canada, Costa Rica, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Morocco, the Netherlands, New Zealand, Norway, Spain, Sri Lanka, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution (A/C.3/47/L.40) entitled "United Nations Voluntary Fund for the Victims of Torture". Subsequently, Kenya, Malawi, Nigeria and Swaziland joined in sponsoring the draft resolution.

10. At its 49th meeting, on 25 November, the Committee adopted draft resolution A/C.3/47/L.40 without a vote (see para. 23, draft resolution II).

C. Draft resolution A/C.3/47/L.41

11. At the 48th meeting, on 24 November, the representative of Mexico, on behalf of Algeria, Argentina, Colombia, Costa Rica, Croatia, Cuba, Ecuador, France, Greece, Guatemala, Guinea, Mali, Mexico, Morocco, Nicaragua, Peru, Portugal, the Russian Federation, Rwanda, Sweden, Tunisia, Turkey, Uruguay and Zimbabwe, introduced a draft resolution (A/C.3/47/L.41) entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families". Subsequently, India joined in sponsoring the draft resolution.

12. At its 49th meeting, on 25 November, the Committee adopted draft resolution A/C.3/47/L.41 without a vote (see para. 23, draft resolution III).

13. After the adoption of the draft resolution, a statement was made by the representative of Japan (see A/C.3/47/SR.49).

D. Draft resolution A/C.3/47/L.42

14. At the 48th meeting, on 24 November, the representative of Canada, on behalf of Australia, Austria, Belgium, Canada, Chile, Costa Rica, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain and Sweden, introduced a draft resolution (A/C.3/47/L.42) entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", which he orally revised by deleting, in operative paragraph 12, the words "in the light of the deliberations of the Commission on Human Rights". Subsequently, Samoa joined in sponsoring the draft resolution, as orally revised.

15. The Committee had before it a statement on the programme budget implications of draft resolution A/C.3/47/L.42, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/47/L.46).

16. At its 52nd meeting, on 1 December, the Committee adopted draft resolution A/C.3/47/L.42, as orally revised, without a vote (see para. 23, draft resolution IV).

17. After the adoption of the draft resolution, a statement was made by the representative of Japan (see A/C.3/47/SR.52).

E. Draft resolution A/C.3/47/L.43

18. At the 48th meeting, on 24 November, the representative of Sweden, on behalf of Argentina, Australia, Austria, the Bahamas, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Canada, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, the Democratic People's Republic of Korea, Denmark, Egypt, El Salvador, Estonia, Finland, France, the Gambia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Kenya, Lithuania, Luxembourg, Madagascar, Mali, Malta, Mexico, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, the Philippines, Poland, Portugal, Romania, the Russian Federation, Rwanda, Samoa, Sierra Leone, Spain, Sri Lanka, the Sudan, Sweden, Thailand, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/47/L.43) entitled "Implementation of the Convention on the Rights of the Child". Subsequently, Cape Verde, the Central African Republic, Ecuador, Ethiopia, Latvia, Mongolia, the Niger, Pakistan and Yemen joined in sponsoring the draft resolution.

19. The Committee had before it a statement on the programme budget implications of draft resolution A/C.3/47/L.43, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/47/L.47).

20. At its 52nd meeting, on 1 December, the Committee adopted draft resolution A/C.3/47/L.43 without a vote (see para. 23, draft resolution V).

F. Draft resolution A/C.3/47/L.44

21. At the 48th meeting, on 24 November, the representative of the Netherlands, on behalf of Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, El Salvador, Finland, France, Germany, Greece, Guinea, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Romania, the Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, introduced a draft resolution (A/C.3/47/L.44) entitled "Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". Subsequently, Belarus joined in sponsoring the draft resolution.

22. At the 49th meeting, on 25 November, the Committee adopted draft resolution A/C.3/47/L.44 without a vote (see para. 23, draft resolution VI).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

23. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Status of the Convention on the Prevention and Punishment of the Crime of Genocide

The General Assembly,

Recalling its resolutions 40/142 of 13 December 1985, 41/147 of 4 December 1986, 42/133 of 7 December 1987, 43/138 of 8 December 1988, 44/158 of 15 December 1989 and 45/152 of 18 December 1990,

Recalling also Commission on Human Rights resolutions 1986/18 of 10 March 1986, 4/ 1987/25 of 10 March 1987, 5/ 1988/28 of 7 March 1988, 6/ 1989/16 of 2 March 1989, 7/ and taking note of Commission resolution 1990/19 of 23 February 1990, 8/

Recalling further its resolution 260 A (III) of 9 December 1948, by which it approved and proposed for signature the Convention on the Prevention and Punishment of the Crime of Genocide annexed thereto,

Reaffirming once again its conviction that genocide is a crime that violates the norms of international law and runs counter to the spirit and aims of the United Nations,

Recognizing that crimes of genocide have caused great losses and privations to mankind throughout its history,

Expressing its conviction that strict observance of the provisions of the Convention by all countries is necessary for the prevention and punishment of the crime of genocide,

Taking note of the report of the Secretary-General, 9/

4/ See Official Records of the Economic and Social Council, 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

5/ Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

6/ Ibid., 1988, Supplement No. 2 and corrigenda (E/1988/12 and Corr.1), chap. II, sect. A.

7/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

8/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

9/ A/47/427.

1. Once again strongly condemns the crime of genocide;

2. Reaffirms the need for international cooperation in order to liberate mankind from such an odious crime;

3. Notes with satisfaction that more than one hundred States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or have acceded thereto;

4. Urges those States which have not yet done so to become parties to the Convention and to ratify it or accede to it without further delay;

5. Invites the Secretary-General to submit to the General Assembly at its forty-ninth session a report on the status of the Convention.

DRAFT RESOLUTION II

United Nations Voluntary Fund for Victims of Torture

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 10/ which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 11/

Recalling with satisfaction the entry into force on 26 June 1987 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 12/

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Alarmed at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

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10/ Resolution 217 A (III).

11/ Resolution 3452 (XXX), annex.

12/ Resolution 39/46, annex.

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

Taking note of the report of the Secretary-General, 13/

1. Expresses its gratitude and appreciation to the Governments, organizations and individuals who have already contributed to the United Nations Voluntary Fund for Victims of Torture;

2. Calls upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund;

3. Invites Governments to make contributions to the Fund, preferably on a regular basis, in order to enable it to provide continuous support to projects that depend on recurrent grants;

4. Expresses its appreciation to the Governments that pledged a contribution to the Fund at the 1992 United Nations Pledging Conference for Development Activities;

5. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

6. Expresses its appreciation to the Board of Trustees of the Fund for the work it has carried out;

7. Also expresses its appreciation to the Secretary-General for the support given to the Board of Trustees of the Fund by carrying out its decisions on an increasing number of projects;

8. Requests the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.

13/ A/47/662.

DRAFT RESOLUTION III

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 14/ the International Covenants on Human Rights, 15/ the International Convention on the Elimination of All Forms of Racial Discrimination, 16/ the Convention on the Elimination of All Forms of Discrimination against Women 17/ and the Convention on the Rights of the Child, 18/

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and to ensure the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Also recalling that the General Assembly, in its resolution 46/114 of 17 December 1991, requested the Secretary-General to submit to the Assembly at its forty-seventh session a report on the status of the Convention,

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14/ Resolution 217 A (III).

15/ Resolution 2200 A (XXI), annex.

16/ Resolution 2106 A (XX), annex.

17/ Resolution 34/180, annex.

18/ Resolution 44/25, annex.

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; 19/

2. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

3. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

4. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

5. Requests the Secretary-General to submit to the General Assembly at its forty-eighth session a report on the status of the Convention;

6. Decides to consider the report of the Secretary-General at its forty-eighth session under the sub-item entitled "Implementation of human rights instruments".

DRAFT RESOLUTION IV

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 46/111 of 17 December 1991, as well as its other relevant resolutions,

Reaffirming that the effective implementation of United Nations instruments on human rights is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, 20/ to promote universal respect for and observance of human rights and fundamental freedoms,

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19/ A/47/429.

20/ Resolution 217 A (III).

Reaffirming also its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirming the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with the effective functioning of treaty bodies;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Recalling the conclusions and recommendations of the second meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988, 21/ and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 46/111 and the Commission on Human Rights in its resolution 1992/15 of 21 February 1992, 22/

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990, 23/ and from 12 to 16 October 1992 respectively,

Expressing concern about the increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Taking note of the reports of the Secretary-General 24/ on progress achieved in enhancing the effective functioning of the treaty bodies,

Recalling the study 25/ on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, prepared by an independent expert, and aware of the need to update the study,

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21/ See A/44/98, sect. VII.

22/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

23/ See A/45/636, annex.

24/ A/44/539, A/46/503.

25/ See A/44/668, annex.

Welcoming the decision of the fourteenth meeting of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to amend article 8, paragraph 6, of the Convention and to add a new article 8, paragraph 7, by which the members of the Committee established under the Convention shall henceforth receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide during its forty-seventh session,

Welcoming also the decision of the Conference of the States parties to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to delete paragraph 7 of article 17 and paragraph 5 of article 18, to add a new paragraph 4 of article 18, by which the members of the Committee established under the Convention shall receive emoluments from United Nations resources on such terms and conditions as the General Assembly shall decide, and to recommend that the General Assembly take action for the implementation of the proposed amendment at its forty-seventh session,

Welcoming the reports of the Secretary-General 26/ examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies,

1. Endorses the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. Expresses its satisfaction with the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, which contains several recommendations on reporting and monitoring procedures, servicing and financing of supervisory bodies and long-term approaches to human rights standard-setting and implementation mechanisms, and which was presented to the Commission on Human Rights for detailed consideration at its forty-sixth session, and, in the light of the conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies, requests that the report of the independent expert be updated for submission to the fiftieth session of the Commission on Human Rights and that an interim report be presented to the General Assembly at its forty-eighth session, and be made available to the World Conference on Human Rights in June 1993;

3. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

26/ A/46/650 and A/47/518.

4. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

5. Welcomes the emphasis placed by the meetings of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services and, further to this end:

(a) Endorses the request of the Commission that the Secretary-General report regularly to it on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

6. Endorses the recommendations of the meetings of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources with regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission on Human Rights at its forty-ninth session and to the General Assembly at its forty-eighth session;

7. Calls upon all States parties to fulfil without delay and in full their financial obligations under the relevant instruments on human rights, and requests the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective;

8. Emphasizes that any administrative and budgetary measures shall be taken without prejudice to the duty of States parties under United Nations human rights instruments to meet all their current and outstanding financial obligations pursuant to such instruments;

9. Endorses the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination 27/ and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 28/ and requests the Secretary-General:

27/ Resolution 2106 A (XX), annex.

28/ Resolution 39/46, annex.

(a) To take the appropriate measures to provide for the financing of the committees established under those conventions from the regular budget of the United Nations, beginning with the budget for the biennium 1994-1995;

(b) To take the necessary measures to ensure that the two committees meet as scheduled until the amendments enter into force;

10. Requests the Secretary-General to take the appropriate steps in order to finance the biennial meetings of persons chairing the human rights treaty bodies from the resources available from the regular budget of the United Nations;

11. Also requests the Secretary-General, in the light of the views expressed at the forty-ninth session of the Commission on Human Rights and the thirty-seventh session of the Commission on the Status of Women, to submit to the General Assembly at its forty-eighth session a report examining the conclusions and recommendations of the October 1992 meeting of persons chairing the human rights treaty bodies;

12. Decides to give priority consideration at its forty-eighth session to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, under the item entitled "Human rights questions".

DRAFT RESOLUTION V

Implementation of the Convention on the Rights of the Child

The General Assembly,

Recalling its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child,

Recalling also its resolution 46/112 of 17 December 1991 and Commission on Human Rights resolution 1992/75 of 5 March 1992, 29/

Noting the report of the Committee on the Rights of the Child 30/ on its first session, held at Geneva from 30 September to 18 October 1991, and the meeting of the States parties to the Convention on the Rights of the Child, held in New York on 11 November 1992,

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29/ Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

30/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 41 (A/47/41).

Reaffirming that the rights of children require special protection and call for continuous improvement of the situation of children all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations Children's Fund and of the United Nations in promoting the well-being of children and their development,

Convinced that the Convention on the Rights of the Child, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting the rights of children and ensuring their well-being,

Recalling the World Declaration on the Survival, Protection and Development of Children 31/ and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 31/ adopted at the World Summit for Children, held in New York on 29 and 30 September 1990, and stressing the necessity to ensure the follow-up of the Summit at the national and international levels,

Having considered the report of the Secretary-General on the status of the Convention, 32/

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child; 32/

2. Recalls with deep satisfaction the entry into force of the Convention on 2 September 1990 as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

31/ A/45/625, annex.

32/ A/47/428.

3. Expresses its satisfaction at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990;

4. Calls upon all States that have not done so to sign, ratify or accede to the Convention as a matter of priority;

5. Requests the Secretary-General to provide, from within existing resources, all facilities and assistance necessary for the dissemination of information on the Convention and its implementation, with a view to promoting further ratification of or accession to the Convention, as well as the full realization of its principles and provisions;

6. Emphasizes the importance of the strict compliance by States parties with their obligations under the Convention;

7. Appeals to States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law;

8. Recognizes the important role of the Committee on the Rights of the Child in overseeing the effective implementation of the provisions of the Convention;

9. Welcomes the constructive and useful results achieved by the Committee on the Rights of the Child during its first session, including the adoption of the general guidelines regarding the form and contents of initial reports to be submitted by States parties;

10. Approves the recommendation contained in the resolution adopted by consensus at the meeting of the States parties to the Convention on the Rights of the Child on 11 November 1992, 33/ in which the States parties reaffirmed the recommendation made by the Committee on the Rights of the Child regarding the organization of the future work of the Committee on the basis of two sessions per year, each of up to three weeks' duration, as may be decided by the Committee in the light of its anticipated workload, and the establishment of a pre-sessional working group that would meet for one week approximately two months in advance of each session for a preliminary review of reports from States parties;

11. Authorizes the Secretary-General to implement this recommendation;

12. Requests the Secretary-General to ensure the provision of appropriate staff and facilities, within the overall existing budget framework, for the effective performance of the functions of the Committee on the Rights of the Child;

33/ A/47/667, annex.

13. Requests bodies and organizations of the United Nations, within the scope of their respective mandates, to intensify their efforts to disseminate information on the Convention on the Rights of the Child, promote understanding of it and assist Governments in its implementation;

14. Invites intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Convention on the Rights of the Child to adults and children alike and promoting understanding of it;

15. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session a report on the status of the Convention on the Rights of the Child;

16. Decides to consider the report of the Secretary-General at its forty-ninth session under the item entitled "Human rights questions".

DRAFT RESOLUTION VI

Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights 34/ and article 7 of the International Covenant on Civil and Political Rights, 35/ both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing, ratifying and acceding to the Convention as a matter of priority, as well as its subsequent resolutions on the status of the Convention, most recently its resolution 45/142 of 14 December 1990, and its decisions 46/428 and 46/430 of 17 December 1991, as

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34/ Resolution 217 A (III).

35/ See resolution 2200 A (XXI), annex.

well as the Commission on Human Rights resolutions on the subject, most recently resolution 1992/25 of 28 February 1992, 36/

Recalling the decision of 9 September 1992 of the States parties to the Convention to delete paragraph 7 of article 17 and paragraph 5 of article 18 of the Convention and to add a new paragraph, as paragraph 4 of article 18, stating that the members of the Committee established under the present Convention shall henceforth receive emoluments from United Nations resources on such terms as the General Assembly will decide,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials 37/ and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees agaist torture and other cruel, inhuman or degrading treatment or punishment, 38/

Recalling the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 39/

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Determined to promote the full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Taking note of the decision of the Commission on Human Rights, in its resolution 1992/32 of 28 February 1992, 36/ to extend for three years the mandate of the Special Rapporteur to examine questions relevant to torture,

Noting with appreciation the holding of the first session of the open-ended working group of the Commission on Human Rights elaborating a draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

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36/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

37/ Resolution 34/169, annex.

38/ Resolution 37/194, annex.

39/ Resolution 43/173, annex.

1. Welcomes the report of the Committee against Torture; 40/

2. Takes note of the report of the Secretary-General on the status of submission of reports by States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 41/

3. Emphasizes the importance of the strictest compliance by States parties with their obligations under the Convention;

4. Stresses the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urges States parties that have not yet paid their assessed contributions to fulfil their obligations forthwith;

5. Welcomes the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties, and especially its revision of its general guidelines for the submission of reports by States parties, as well as its practice of formulating concluding observations after the consideration of such reports;

6. Welcomes also the continuing close contacts and exchange of information, reports and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture;

7. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

8. Reiterates its request to all States to become parties to the Convention as a matter of priority;

9. Invites all States ratifying or acceding to the Convention and those States parties which have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention, and to consider the possibility of withdrawing their reservations to article 20;

10. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-ninth session and to the General Assembly at its forty-ninth session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

40/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 44 (A/47/44).

41/ Ibid., annex III.

11. Decides to consider the reports of the Secretary-General and the Committee against Torture at its forty-ninth session under the sub-item entitled "Implementation of human rights instruments".